

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:22-CR-00196-01-DGK
v.)	
)	
NICHOLAS JOSEPH PETERSON,)	
)	
Defendant.)	

**ORDER ADOPTING REPORT AND RECOMMENDATION CONCERNING
DEFENDANT'S COMPETENCY**

On May 6, 2024, the Court ordered Defendant to undergo a competency evaluation. Defendant was examined at the Federal Detention Center in SeaTac, Washington. On August 22, 2024, Ryan Nybo, Psy.D., Forensic Unit Psychologist, filed a psychological evaluation with the Court opining Defendant is competent to proceed. ECF No. 75.

On August 28, 2024, Magistrate Judge Lajuana M. Counts held a competency hearing and issued a report and recommendation, ECF No. 78, finding Defendant competent to proceed. Neither party objected to the report and recommendation.

After making an independent review of the record, it is

ORDERED that the Report and Recommendation of Magistrate Judge Lajuana M. Counts is adopted in its entirety, and this court finds Defendant is competent. It is further

ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(4), the time between May 6, 2024, and the date of this order is excluded in computing the time within which the trial of this criminal action must commence.

IT IS SO ORDERED.

Date: September 12, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT